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1       2. The physical examination will be performed by Dr. Brandt Bede (Orthopedic  
2       Surgeon). ~~Attached to this Stipulation as "Exhibit A" is a true and correct copy of~~  
3       ~~Dr. Bede's Curriculum Vitae setting forth his qualifications and background as well~~  
4       ~~as a copy of his fee schedule.~~

5       3. The location of the examination will be Northwest Physical Medicine, 801 Pine  
6       St., Suite 100, Seattle, WA 98101

7       4. The manner for the physical examination will be a two-part examination consisting  
8       of:

9       a. An interview in the medical examiner's office, consisting of a history of  
10       Ms. Cooper's injury(s) and treatment for her injury(s);

11       i. Ms. Cooper shall complete any reasonably necessary intake forms  
12       which are not overly burdensome.

13       ii. The Examiner(s) may ask the Plaintiff questions about the  
14       mechanisms of injuries, current complaints, symptoms, and  
15       communication necessary to conduct the Examination(s).

16       iii. The Examiner(s) may review the deposition transcript of the  
17       Plaintiff, if available, as well as medical records for further  
18       information.

19       b. A physical examination of Ms. Cooper;

20       i. The Examination will not include any diagnostic test or procedure  
21       that is painful, protracted, or intrusive.

ii. No person other than the Examiner(s) and his/her administrative staff shall participate in any way in the examination or in the evaluation or diagnosis of Ms. Cooper.

iii. Dr. Brandt Bede will perform an examination consistent with his area of expertise (i.e., Orthopedics).

5. The conditions and scope of the physical examination will be a two-part examination, consisting of an interview and physical examination, with a total duration of no longer than three (3) hours.

- a. Plaintiff shall have the right to have a representative person present at the examination provided they shall not interfere with nor obstruct the examination.

b. Plaintiff shall have the right to make an audio and/or video recording of the examination, which shall be made in an unobtrusive manner and at the expense of Plaintiff. If Plaintiff elects to make such recording, a true and correct copy of the audio and/or video recording must be provided to defense counsel within seven (7) days of the Examination.

6. The Examiner(s) shall make a written report of the examination, setting out all the Examiner's findings, including results of all tests made, and all diagnoses and conclusions. Counsel for Defendant shall cause a copy of the report to be delivered to Counsel for Plaintiff within forty-five days (45) of the examination unless there is good cause shown for any delay. However, Defendant retains the right to prevent the depositions of the Examiner(s) or use of the Examiner's report, should the

1 Examiner(s) be made consulting expert(s) in this matter. *Mothershead v. Adams*, 32  
2 Wn. App. 325, 647 P.2d 525 (1982).

3 7. After the delivery of the Examiner(s) report, Plaintiff's Counsel shall have the right  
4 to take the discovery deposition of the Examiner(s), unless Defendant's attorneys  
5 decide not to call the Examiner(s) as a witness at trial, said determination to be  
6 made and written notice provided to Plaintiff's attorneys pursuant to the case  
7 scheduling order. The Examiner(s) shall make themselves available for deposition  
8 no later than sixty (60) days prior to trial or, if a discovery deadline is set by the  
9 Court, no later than thirty (30) days prior to that deadline, or as agreed to by the  
10 Parties.

11 8. If the Examiner(s) is deposed by Plaintiff's attorney, Plaintiff will not be  
12 responsible for Examiner's preparation time.

13 9. Fees to be charged by the Examiner(s) to the Plaintiff 's attorneys for time spent at  
14 the deposition shall be reasonable, subject to a motion before the court.—~~The rate~~  
15 ~~schedules for the Examiners are included herewith.~~

16 10. A copy of this Stipulation shall be given to the Examiner(s) before the examination.

17 11. Should any dispute arise during the examination regarding the terms and conditions  
18 of the examination, the Examiner(s) agrees to contact the undersigned attorneys  
19 promptly so that they can attempt to work out a solution to any perceived problem.

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1 DATED this 21st day of March, 2023.

2 **WATHEN | LEID | HALL | RIDER, P.C.**

3 s/ *Rory W. Leid, III*  
4 *Rory W. Leid, III, WSBA #25075*

5 s/ *Dylan R. Knapp*  
6 *Dylan R. Knapp, WSBA #58394*  
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9 **DRIGGS, BILLS & DAY PLLC**

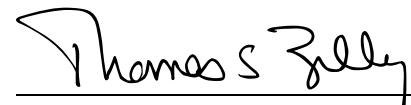
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11 *Thomas McPherson, WSBA #46192*  
12 *2125 Western Avenue Ste 500*  
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15 **II. ORDER**

16 Pursuant to Plaintiff Kara Cooper and Defendant GEICO's Stipulation, and for good  
17 cause shown, the above Stipulation is accepted, adopted and made the Order of the Court.

18 Dated this 23rd day of March, 2023.

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Thomas S. Zilly  
United States District Judge